

VETERAN SERVICE RECOGNITION ACT OF 2022

NOVEMBER 15, 2022.—Ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7946]

The Committee on the Judiciary, to whom was referred the bill (H.R. 7946) to provide benefits for noncitizen members of the Armed Forces, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veteran Service Recognition Act of 2022”.

SEC. 2. STUDY AND REPORT ON NONCITIZEN VETERANS REMOVED FROM THE UNITED STATES.

(a) **STUDY REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly carry out a study on noncitizen veterans and noncitizen former members of the Armed Forces who were removed from the United States during the period beginning on January 1, 1990, and ending on the date of the enactment of this Act, which shall include the following:

(1) The number of noncitizens removed by U.S. Immigration and Customs Enforcement or the Immigration and Naturalization Service during the period covered by the report who served in the Armed Forces for an aggregate period of more than 180 days.

(2) For each noncitizen described in paragraph (1)—

(A) the country of nationality or last habitual residence of the noncitizen;

(B) the total length of time the noncitizen served as a member of the Armed Forces;

(C) each ground on which the noncitizen was ordered removed under section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) or section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), as applicable; and

(D) whether the noncitizen appealed the removal order to the Board of Immigration Appeals.

(3) Each of the following enumerations:

(A) The number of noncitizens described in paragraph (1) who were discharged or released from service under honorable conditions.

(B) The number of noncitizens described in paragraph (1) who were discharged or released from service under other than honorable conditions.

(C) The number of noncitizens described in paragraph (1) who were deployed overseas.

(D) The number of noncitizens described in paragraph (1) who served on active duty in the Armed Forces in an overseas contingency operation.

(E) The number of noncitizens described in paragraph (1) who were awarded decorations or medals.

(F) The number of noncitizens described in paragraph (1) who applied for benefits under laws administered by the Secretary of Veterans Affairs.

(G) The number of noncitizens described in paragraph (1) who receive benefits described in subparagraph (F).

(4) A description of the reasons preventing any of the noncitizens who applied for benefits described in paragraph (3)(F) from receiving such benefits.

(b) **REPORT.**—Not later than 90 days after the date of the completion of the study required under subsection (a), the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit a report containing the results of such study to the appropriate congressional committees.

SEC. 3. INFORMATION SYSTEM ON VETERANS SUBJECT TO REMOVAL.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall create—

(1) a protocol for identifying noncitizens who are or may be veterans; and

(2) a system for maintaining information about noncitizen veterans identified pursuant to the protocol created under paragraph (1) and information provided by the Under Secretary of Defense for Personnel and Readiness under section 4(d).

(b) **INFORMATION SHARING.**—The system shall be shared across all components of the Department of Homeland Security, including Enforcement and Removal Operations, the Office of the Principal Legal Advisor, Homeland Security Investigations, and the Military Family Immigration Advisory Committee.

(c) **CONSIDERATION OF VETERAN STATUS.**—The Secretary of Homeland Security shall ensure that, in the case of any noncitizen veteran who is potentially removable, and in any removal proceeding against such a noncitizen veteran, information available under this system is taken into consideration, including for purposes of any adjudication on the immigration status of such veteran.

(d) **USE OF SYSTEM REQUIRED.**—The Secretary of Homeland Security may not initiate removal proceedings against an individual prior to using the system established under subsection (a) to attempt to determine whether the individual is a veteran. If the Secretary of Homeland Security determines that such an individual is or may be a veteran, the Secretary shall notify the Military Family Immigration Ad-

visory Committee concurrently upon initiating removal proceedings against such individual.

(e) TRAINING.—Beginning in the first fiscal year that begins after the Secretary of Homeland Security completes the requirements under subsection (a), personnel of U.S. Immigration and Customs Enforcement shall participate, on an annual basis, in a training on the protocol developed under this section.

SEC. 4. MILITARY FAMILY IMMIGRATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee, to be known as the “Military Family Immigration Advisory Committee”, to provide recommendations to the Secretary of Homeland Security on the exercise of discretion in any case involving removal proceedings for—

- (1) a member of the Armed Forces;
- (2) a veteran; or
- (3) a covered family member.

(b) MEMBERSHIP.—The Advisory Committee shall be composed of 9 members, appointed by the Secretary of Homeland Security.

(c) CASE REVIEWS.—

(1) IN GENERAL.—Not later than 30 days after the Advisory Committee identifies or is notified about the case of an individual described in subsection (a), the Advisory Committee shall meet to review the case and to provide a written recommendation to the Secretary of Homeland Security on whether—

(A) an exercise of discretion is warranted, including—

- (i) termination of removal proceedings;
- (ii) parole;
- (iii) deferred action;
- (iv) a stay of removal;
- (v) administrative closure; or
- (vi) authorization to apply for any other form of relief; or

(B) to continue seeking the removal of such individual.

(2) SUBMISSION OF INFORMATION.—An individual who is the subject of a case review under paragraph (1) may submit information to the Advisory Committee, and the Advisory Committee shall consider such information.

(3) PROCEDURES.—In conducting each case review under paragraph (1), the Advisory Committee shall consider, as factors weighing in favor of a recommendation under paragraph (1)(A)—

(A) with respect to a member of the Armed Forces, whether the individual—

- (i) was an enlisted member or officer of the Armed Forces;
- (ii) received a medal or decoration, was deployed, or was otherwise evaluated for merit in service during his or her service in the Armed Forces;
- (iii) is a national of a country that prohibits repatriation of an individual after any service in the Armed Forces; or
- (iv) contributed to his or her local community during his or her service in the Armed Forces;

(B) with respect to a veteran, whether the individual—

- (i) was an enlisted member or officer of the Armed Forces;
- (ii) completed a period of service in the Armed Forces and was discharged under conditions other than dishonorable;
- (iii) received a medal or decoration, was deployed, or was otherwise evaluated for merit in service during his or her service in the Armed Forces;
- (iv) is a national of a country that prohibits repatriation of an individual after any service in the Armed Forces of another country; or
- (v) contributed to his or her local community during or after his or her service in the Armed Forces; and

(C) with respect to a covered family member, whether the individual—

- (i) supported a member of the Armed Forces serving on active duty or a veteran, including through financial support, emotional support, or caregiving; or
- (ii) contributed to his or her local community during or after the military service of the member or of the veteran.

(4) PRECLUDING FACTOR.—In conducting each case review under paragraph (1), the Advisory Committee shall consider, as a factor requiring a recommendation under paragraph (1)(B), whether the member of the Armed Forces, veteran, or covered family member has been convicted of 5 offenses for driving while in-

toxicated (including a conviction under the influence of or impaired by alcohol or drugs), unless the conviction is older than 25 years.

(d) BRIEFINGS ON NONCITIZEN VETERANS.—The Under Secretary of Defense for Personnel and Readiness shall provide detailed briefings to the Advisory Committee regarding the service of a noncitizen veteran when that individual's case is being considered by the Advisory Committee.

(e) BRIEFINGS ON ACTIONS IN RESPONSE TO RECOMMENDATIONS.—Not less frequently than quarterly, the Secretary of Homeland Security shall provide detailed briefings to the Advisory Committee regarding actions taken in response to the recommendations of the Advisory Committee, including detailed explanations for any cases in which a recommendation of the Advisory Committee was not followed.

(f) TRANSFER OF CASE FILES.—For any individual with respect to whom the Advisory Committee is conducting a case review under this section, the Secretary of Defense and Secretary of Homeland Security shall provide to the Advisory Committee a copy of any available record pertaining to that individual, including such individual's alien file, that is relevant to the case review.

(g) LIMITATION ON REMOVAL.—Notwithstanding any other provision of law, an individual described in subsection (a) may not be ordered removed until the Advisory Committee has provided a recommendation with respect to that individual to the Secretary of Homeland Security.

(h) LIMITATION ON ELIGIBILITY FOR CASE REVIEW.—An individual who is inadmissible based on a conviction of an aggravated felony described in subparagraph (A) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) shall be ineligible for a case review under this section.

SEC. 5. PROGRAM OF CITIZENSHIP THROUGH MILITARY SERVICE.

(a) IN GENERAL.—

(1) PROGRAM ESTABLISHED.—The Secretary of Homeland Security, acting through the Director of U.S. Citizenship and Immigration Services, and in coordination with the Secretary of Defense, shall jointly implement a program to ensure that—

(A) each eligible noncitizen is afforded the opportunity to file an application for naturalization at any point on or after the first day of service on active duty or first day of service as a member of the Selected Reserve pursuant to section 329 of the Immigration and Nationality Act (8 U.S.C. 1440); and

(B) the duly authenticated certification (or any other successor form) required under section 329(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1140(b)(3)) is issued to each noncitizen not later than 30 days after the individual makes a request for such certification.

(2) ELIGIBLE NONCITIZEN.—For purposes of this subsection, the term “eligible noncitizen” means a noncitizen who serves or has served in the Armed Forces of the United States during any period that the President by Executive order designates as a period during which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.

(b) JAG TRAINING.—The Secretary of Defense shall ensure that appropriate members of the Judge Advocate General Corps of each Armed Force receive training to function as liaisons with U.S. Citizenship and Immigration Services with respect to applications for citizenship of noncitizen members of the Armed Forces.

(c) TRAINING FOR RECRUITERS.—The Secretary of Defense shall ensure that all recruiters in the Armed Forces receive training regarding—

(1) the steps required for a noncitizen member of the Armed Forces to receive citizenship;

(2) limitations on the path to citizenship for family members of such individuals; and

(3) points of contact at the Department of Homeland Security to resolve emergency immigration-related situations with respect to such individuals and their family members.

(d) ANNUAL REPORTS.—The Secretary of each military department shall annually submit to the appropriate congressional committees a report on the number of all noncitizens who enlisted or were appointed in the military department concerned, all members of the Armed Forces in their department who naturalized, and all members of the Armed Forces in their department who were discharged or released without United States citizenship under the jurisdiction of such Secretary during the preceding year.

(e) FURTHER FACILITATION NATURALIZATION FOR MILITARY PERSONNEL IN CONTINGENCY OPERATIONS.—Any person who has served honorably as a member of the Armed Forces of the United States in support of a contingency operation (as defined

in section 101(a)(13) of title 10, United States Code), and who, if separated from the Armed Forces, was separated under honorable conditions, may be naturalized as provided in section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) as though the person had served during a period designated by the President under such section.

(f) **NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.**—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended—

- (1) in subsection (a), by striking “six months” and inserting “one year”; and
- (2) in subsection (d), by striking “six months” and inserting “one year”.

SEC. 6. INFORMATION FOR MILITARY RECRUITS REGARDING NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES.

The Secretary of Defense, in coordination with the Secretary of Homeland Security, shall ensure that there is stationed or employed at each Military Entrance Processing Station—

- (1) an employee of U.S. Citizenship and Immigration Services; or
- (2) in the case that the Secretary determines that it is impracticable to station or employ a person described in paragraph (1) at a Military Entrance Processing Station, a member of the Armed Forces or an employee of the Department of Defense—
 - (A) whom the Secretary determines is trained in the immigration laws; and
 - (B) who shall inform each military recruit who is not a citizen of the United States processed at such Military Entrance Processing Station regarding naturalization through service in the Armed Forces under sections 328 and 329 of the Immigration and Nationality Act (8 U.S.C. 1439–1440).

SEC. 7. RETURN OF ELIGIBLE VETERANS REMOVED FROM THE UNITED STATES; ADJUSTMENT OF STATUS.

(a) **ELIGIBLE VETERANS.**—In the case of a noncitizen who has been issued a final order of removal, the Secretary of Homeland Security, may, notwithstanding such order of removal, adjust that noncitizen’s status to that of an alien lawfully admitted for permanent residence, or admit such noncitizen for lawful permanent residence if the Secretary determines that such noncitizen is a veteran and, consistent with subsection (b), is not inadmissible.

(b) **WAIVER.**—

(1) **AUTHORITY.**—In the case of a noncitizen veteran described in subsection (a), the Secretary of Homeland Security may waive any applicable ground of inadmissibility under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) (other than paragraphs (3) and (2)(H) of such section 212(a), a finding of inadmissibility under paragraph (2)(A) based on a conviction of an aggravated felony described in subparagraph (A), (I), or (K) of section 101(a)(43) (8 U.S.C. 1101(a)(43)), or 5 convictions for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) unless the conviction is older than 25 years, if the Secretary determines that it is in the public interest.

(2) **PUBLIC INTEREST CONSIDERATIONS.**—In determining whether a waiver described in paragraph (1) is in the public interest, the Secretary of Homeland Security shall consider factors including the noncitizen’s service in the Armed Forces, and the recency and severity of any offense or conduct that forms the basis of a finding of inadmissibility under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(c) **PROCEDURES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, by rule, establish procedures to carry out this section.

(d) **NO NUMERICAL LIMITATIONS.**—Individuals who are granted lawful permanent residence under this section shall not be subject to the numerical limitations under section 201, 202, or 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, or 1153).

(e) **CLARIFICATION.**—If a noncitizen veteran’s status is adjusted under this section to that of an alien lawfully admitted for permanent residence, or if such noncitizen is lawfully admitted for permanent residence, such adjustment or admission shall create a presumption that the noncitizen has established good moral character under paragraphs (1) through (8) of section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)).

(f) **LIMITATION ON REMOVAL.**—

(1) **IN GENERAL.**—A noncitizen who appears to be prima facie eligible for lawful permanent resident status under this section shall be given a reasonable opportunity to apply for such status. Such noncitizen shall not be removed from

the United States until a final administrative decision establishing ineligibility for such status is rendered.

(2) EFFECT OF FINAL ORDER.—A noncitizen present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for lawful permanent resident status under this section. Such noncitizen shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary of Homeland Security approves the application, the Secretary shall notify the Attorney General of such approval, and the Attorney General shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

SEC. 8. ADJUSTMENT OF STATUS FOR CERTAIN IMMEDIATE RELATIVES OF UNITED STATES CITIZEN SERVICE MEMBERS OR VETERANS.

(a) IN GENERAL.—For purposes of an application for adjustment of status pursuant to an approved petition for classification under section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), an alien described in subsection (b)—

(1) is deemed to have been inspected and admitted into the United States; and

(2) shall not be subject to paragraphs (6)(A), (6)(C), (7)(A), and (9) of section 212(a) of such Act (8 U.S.C. 1182(a)).

(b) ALIEN DESCRIBED.—An alien is described in subsection (a) if the alien is the beneficiary of an approved petition for classification under section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) as an immediate relative (as defined in section 201(b)(2)(A)(i) of such Act (8 U.S.C. 1151(b)(2)(A)(i))) of a citizen of the United States who—

(1) served, for a minimum of 2 years, on active duty in the Armed Forces or in a reserve component of the United States Armed Forces; and

(2) if discharged or released from service in the Armed Forces, was discharged or released under honorable conditions.

SEC. 9. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Military Family Immigration Advisory Committee established pursuant to section 4.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Veterans’ Affairs of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives; and

(H) the Committee on Veterans’ Affairs of the House of Representatives.

(3) ARMED FORCES.—The term “Armed Forces” has the meaning given the term “armed forces” in section 101 of title 10, United States Code.

(4) COVERED FAMILY MEMBER.—The term “covered family member” means the noncitizen spouse or noncitizen child of—

(A) a member of the Armed Forces; or

(B) a veteran.

(5) IMMIGRATION LAWS.—The term “immigration laws” has the meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(6) NONCITIZEN.—The term “noncitizen” means an individual who is not a citizen or national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

(7) VETERAN.—The term “veteran” has the meaning given such term in section 101 of title 38, United States Code.

Purpose and Summary

H.R. 7946, the “Veteran Service Recognition Act of 2022,” would (1) direct the Department of Homeland Security (DHS) and the Department of Defense (DOD) to implement a program that allows non-citizen service members to file for naturalization during basic training, or as early as otherwise possible; (2) establish a Military Family Immigration Advisory Committee to review and provide recommendations on the cases of noncitizen veterans, active service members, and their families who are in removal proceedings; (3) provide an opportunity for noncitizen veterans who have been removed or ordered removed and who have not been convicted of serious crimes, to apply for legal permanent resident status; and (4) allow adjustment of status for certain individuals who are the immediate relatives of U.S. citizens who served or are currently serving in the U.S. Armed Forces for a minimum of two years.

Background and Need for the Legislation

Immigrants have served in the U.S. armed forces in every major conflict from the Revolutionary War to the invasion of Iraq.¹ Immigrants—and the children of immigrants—represent a significant portion of the current population of U.S. veterans. Today, there are approximately 45,000 immigrants actively serving in the U.S. armed services.² Additionally, 2.4 million veterans, comprising 13 percent of all U.S. veterans, are of immigrant origin, either as immigrants themselves or as the children of immigrants.³ And of the remainder, 1.5 million veterans had at least one parent that was an immigrant.”⁴

I. NONCITIZENS IN THE MILITARY

As a general rule, a noncitizen must be a lawful permanent resident (LPR) to enlist in the U.S. military.⁵ A noncitizen who is not an LPR may be authorized to enlist if an appropriate cabinet-level Secretary determines that the non-citizen “possess[es] a critical skill or expertise . . . that is vital to the national interest” and that the non-citizen will use that skill or expertise as a primary duty in the armed forces.⁶

In 2009, DOD authorized the Military Accessions Vital to National Interest (MAVNI) pilot program as a recruitment tool to enlist certain nonimmigrants and other noncitizens with skills vital to the national interest of the United States.⁷ Its purpose was to address critical shortages of medical and strategic language personnel in the U.S. armed services. However, over the course of several reviews in 2016, the most recent review indicated that there

¹ Russell Contreras, *AP Explains: Immigrants in U.S. Military throughout History*, ASSOCIATED PRESS (July 15, 2018), <https://www.apnews.com/63693023ff5546458303b5a5e218d7de>.

² *5 things to Know About Immigrants in the Military*, FWD.US (Jan. 6, 2021), <https://www.fwd.us/news/immigrants-in-the-military/>.

³ Jie Zong and Jeanne Batalova, *Immigrant Veterans in the United States*, MIGRATION POLICY INSTITUTE (May 16, 2019), <https://www.migrationpolicy.org/article/immigrant-veterans-united-states-2018>.

⁴ Jeff Mason, *Immigrants in the Military: A History of Service* (Aug. 16, 2017), BIPARTISAN POLICY CENTER, <https://bipartisanpolicy.org/blog/immigrants-in-the-military-a-history-of-service/>.

⁵ 10 U.S.C. § 504(b)(1).

⁶ 10 U.S.C. § 504(b)(2).

⁷ <https://www.uscis.gov/policy-manual/volume-12-part-i-chapter-3>

were counterintelligence and security concerns within the program, leading to its suspension by the Obama administration.

Additionally, noncitizens serving in the military are permitted to apply for citizenship in a more expedited fashion than traditional applicants. Generally, most LPRs are required to wait three to five years before applying for U.S. citizenship. However, noncitizens who serve honorably in the military in peacetime for at least one year are eligible for naturalization if they apply while still in the service or within six months of discharge.⁸ Moreover, non-citizens who serve in the military during a designated period of military hostilities are eligible for naturalization on the first day of their service.⁹ The United States has been in a period of military hostilities since September 11, 2001, as designated by President Bush via executive order.¹⁰

The prior administration implemented numerous policies that significantly impacted noncitizen service members, veterans, and their families. These policy changes generally made it harder for noncitizen service members to naturalize, contributed to a significant decline in military naturalizations,¹¹ and, as the Government Accountability Office (GAO) concluded, resulted in the removal of noncitizen veterans without the appropriate levels of review.¹²

As one of his first acts in office, President Biden issued an “Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans” where he directed DHS as well as the State and Justice Departments to partner with DOD to “facilitate naturalization for . . . members of the military.”¹³ Additionally, in July of this year, DHS and the Department of Veterans Affairs (VA) announced an initiative to support noncitizen service members, veterans, and their immediate family members. As part of this initiative, DHS Secretary Alejandro N. Mayorkas directed U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP) to conduct a review of policies to “ensure that all eligible current and former noncitizen service members and the immediate families of military members are able to remain in or return to the United States, remove barriers to naturalization for those eligible, and improve access to immigration services.”¹⁴

II. DEPORTED VETERANS

Since 2004, U.S. Immigrations and Customs Enforcement (ICE) has developed and implemented several policies that dictate how the agency should handle cases involving potentially removable

⁸ INA § 328; 8 U.S.C. § 1439.

⁹ INA § 329; 8 U.S.C. § 1440.

¹⁰ Executive Order No. 13269 (July 3, 2002), 67 Fed. Reg. 45287 (July 8, 2002).

¹¹ <https://www.uscis.gov/military/military-naturalization-statistics>,

¹² See *Immigration Enforcement: Actions Needed to Better Handle, Identify, and Track Cases Involving Veterans*, Government Accountability Office, 10 (June 2019), <https://www.gao.gov/assets/700/699549.pdf>.

¹³ Presidential Action, *Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, Executive Order, White House (Feb. 2, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>.

¹⁴ *DHS, VA Announce Initiative to Support Noncitizen Service Members, Veterans, and Immediate Family Members*, DEPARTMENT OF HOMELAND SECURITY (July 2, 2021), <https://www.dhs.gov/news/2021/07/02/dhs-va-announce-initiative-support-noncitizen-service-members-veterans-and-immediate>.

veterans.¹⁵ In general, before issuing a notice to appear (NTA) to a veteran, ICE must consider, at a minimum, the veteran's "criminal history, evidence of rehabilitation, family and financial ties to the United States, employment history, health, and community service."¹⁶ ICE must also consider factors related to the veteran's military service, such as duty status, number of years in service, whether the person was assigned to a war zone, and decorations awarded.¹⁷ In addition, because prior military service is an indicator that a person might be a U.S. citizen, a November 2015 policy directs ICE officers to conduct a factual examination and legal analysis to assess whether the veteran is a U.S. citizen.¹⁸ These policies direct ICE to detail their factual findings in memoranda which are included in the individual's immigration file. ICE management must authorize the NTA before it can be issued.

A June 6, 2019 GAO report found that ICE "did not consistently follow its policies involving veterans who were placed in removal proceedings" in part because agency officials were "unaware of the policies."¹⁹ As a result, GAO concluded that cases involving veterans were not receiving "appropriate levels" of review.²⁰ The report identified 250 veterans placed in removal proceedings from fiscal years 2013 through 2018, and at least 92 veterans who were deported.²¹ Many of these veterans have been removed from the United States as a result of convictions or other transgressions tied to post-traumatic stress disorder (PTSD), brain injury, or other physical trauma suffered while on active duty that make the transition back to civilian life extremely difficult.²²

On May 21, 2021, the Office of the Principal Legal Advisor (OPLA) for DHS issued new "Interim Guidance to OPLA Attorneys Regarding Civil Immigration Enforcement and Removal Policies and Priorities" directing ICE attorneys to consider "service in the U.S. military" as a factor when these attorneys exercise prosecutorial discretion in an immigration removal proceeding.²³ Additionally, on June 7, 2022, ICE announced a new policy directive requiring the consideration of U.S. military service when determining

¹⁵ ICE Acting Director of Investigations Marcy M. Forman, *Issuance of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Service* (June 21, 2004); ICE Acting Director of Detention and Removal Operations Victor Cerda, *Issuance of Notices to Appear, Administrative Orders of Removal, or Reinstatement of a Final Removal Order on Aliens with United States Military Service* (Sept. 3, 2004).

¹⁶ *Immigration Enforcement: Actions Needed to Better Handle, Identify, and Track Cases Involving Veterans*, Government Accountability Office, 10 (June 2019) (hereinafter "GAO Report"), <https://www.gao.gov/assets/700/699549.pdf>.

¹⁷ *Id.* at 11.

¹⁸ ICE Directive 16001.2: *Investigating the Potential U.S. Citizenship of Individuals Encountered by ICE* (Nov. 10, 2015).

¹⁹ GAO Report at 12.

²⁰ *Id.*

²¹ *Id.* at 3.

²² See e.g., Daniella Silva, *Marine Combat Veteran Who Served in Iraq Facing Deportation to El Salvador*, NBC NEWS (Oct. 19, 2019), <https://www.nbcnews.com/news/latino/marine-combat-veteran-who-served-iraq-facing-deportation-el-salvador-n1068886>.

²³ Available at <https://www.ice.gov/doclib/about/offices/opla/OPLA-immigration-enforcement-interim-guidance.pdf> ("A favorable exercise of prosecutorial discretion (i.e., concurrence with or non-opposition to a motion for dismissal of proceedings without prejudice) generally will be appropriate if a noncitizen or immediate relative is a current or former member (honorably discharged) of the Armed Forces, including the U.S. Army, Air Force, Navy, Marine Corps, Coast Guard, and Space Force, or a member of a reserve component of the Armed Forces or National Guard, particularly if the individual may qualify for U.S. citizenship under sections 328 or 329 of the INA.").

civil immigration enforcement actions against noncitizens.²⁴ The directive provides agency-wide guidance to “ensure service in the U.S. military by a noncitizen or their immediate family members is taken into consideration when deciding whether to take civil immigration enforcement actions against them and what enforcement action to take, if any.”²⁵

III. IMMVI INITIATIVE

On July 2, 2021, Secretary of Homeland Security Mayorkas and Secretary of Veterans Affairs Denis R. McDonough announced a new initiative to support our nation’s noncitizen service members, veterans, and the immediate family members of service members.²⁶ The initiative which has come to be known as Immigrant Military Members and Veterans Initiative or IMMVI, includes a variety of joint measures between DHS and the VA. For the VA, this includes working with DHS and other partners to identify deported veterans and ensure they can obtain VA benefits to which they may be entitled. The VA is also working to ensure all veterans, including deported veterans and their families, are vaccinated.

For DHS, the initiative resulted in the launching of two new resources in February of 2022. The first was the creation of a “one-stop” resource center that consolidates resources and forms from DHS, DOD, and the VA so noncitizen service members, veterans, and their families can easily find any needed forms and resources. Second, DHS launched a new portal on the DHS website that provides previously removed veterans with a simple and fast way to get in touch with the Department for assistance in returning to the United States or accessing their VA benefits.²⁷

The IMMVI initiative also allows DHS to accept and consider, on a case-by-case basis, parole requests under section 212(d)(5) of the Immigration and Nationality Act (INA) from certain noncitizen current and former military service members, as well as qualifying family members of current and former military service members who are outside the United States so that they may seek to enter the United States to better avail themselves of U.S. legal counsel and systems and gain access to certain veterans’ benefits.²⁸ As of June 21, 2022, DHS has received 144 inquiries from veterans who are outside the United States and want help with returning to the United States and/or accessing VA benefits.²⁹ DHS has also received 60 requests for relief and return to the United States from veterans and their family members.³⁰ Of the 60 requests for relief:

- 32 applications for humanitarian parole remain pending;

²⁴ *ICE to Consider Military Service When Determining Civil Immigration Enforcement*, Newsroom, U.S. Immigration and Customs Enforcement (June 7, 2022), <https://www.ice.gov/news/releases/ice-consider-military-service-when-determining-civil-immigration-enforcement>.

²⁵ *Id.*

²⁶ *DHS, VA Announce Initiative to Support Noncitizen Service Members, Veterans, and Immediate Family Members*, Press Releases, Department of Homeland Security (July 2, 2021), <https://www.dhs.gov/news/2021/07/02/dhs-va-announce-initiative-support-noncitizen-service-members-veterans-and-immediate>.

²⁷ *DHS, VA Launch New Online Services for Noncitizen Service Members, Veterans, and Their Families*, Press Releases, Department of Homeland Security (Fe. 7, 2022), <https://www.dhs.gov/news/2022/02/07/dhs-va-launch-new-online-services-noncitizen-service-members-veterans-and-their-families>.

²⁸ *Discretionary Options for Military Members, Enlistees and Their Families, Military*, U.S. Citizenship and Immigration Services (Apr. 25, 2022), <https://www.uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families>.

²⁹ On file with the House Committee on the Judiciary.

³⁰ *Id.*

- 16 individuals received humanitarian parole (4 of whom returned to complete their applications for naturalization and are now U.S. citizens);
- 8 individuals were denied their request for humanitarian parole; and
- 4 individuals returned to the United States as reinstated lawful permanent residents.

IV. MILITARY NATURALIZATION

Under the Trump Administration, DOD and USCIS implemented numerous policy changes that undermine congressional intent to provide an expedited naturalization process for military service members and veterans. For example, on October 13, 2017, DOD changed its policy to require LPRs to complete a background investigation and receive a favorable Military Security Suitability Determination (MSSD) and National Security Determination (NSD) *before* the individual can report for basic training.³¹ Prior to this, noncitizens in the military could start basic training as soon as the screening process was initiated, assuming they passed all other initial screening requirements. The policy change had a significant impact on LPRs seeking to join the military, as the background investigation process can take a year or even longer. In December 2018, a federal court blocked the implementation of this policy, finding that DOD failed to provide an adequate justification for the change.³²

Also on October 13, 2017, DOD made it more difficult for military members to receive a certification of honorable service (USCIS Form N-426), which is essential to expedite the naturalization process.³³ Before October 13, 2017, noncitizens could receive the certification once they began active duty service.³⁴ Under the new policy, noncitizens were required to complete at least 180 consecutive days of active duty service, or one year of service in the Selected Reserve of the Ready Reserve to receive the certification. On August 25, 2020, a federal court enjoined DOD from enforcing this policy, finding it unlawful.³⁵ In addition, whereas the N-426 could previously be certified by any supervising officer, under the new policy it must be certified by the Secretary of the applicable military branch or a commissioned officer serving in a pay grade of O-6 or higher.³⁶ These changes were made without adequate explanation and with little to no outreach to impacted members of the military. As a result, military naturalizations declined 44 percent,

³¹ *DOD Announces Policy Changes to Lawful Permanent Residents and the Military Accessions Vital to the National Interest (MAVNI) Pilot Program* (Oct. 13, 2017).

³² Order Granting Class Certification, Denying Motion to Dismiss, and Granting Preliminary Injunction, *Kuang v. United States Department of Defense*, Case No. 18-cv-03698 (N.D. Cal. Nov. 16, 2018); Don Lamothe, *After Losing Court Battle, Pentagon Will Send Green-Card Holders to Recruit Training*, WASHINGTON POST (Dec. 3, 2018), https://www.washingtonpost.com/world/national-security/after-losing-court-battle-pentagon-will-send-green-card-holders-to-recruit-training/2018/12/03/3a858078-f742-11e8-863a-8972120646e0_story.html.

³³ *DOD Announces Policy Changes to Lawful Permanent Residents and the Military Accessions Vital to the National Interest (MAVNI) Pilot Program* (Oct. 13, 2017), <https://www.defense.gov/Newsroom/Releases/Release/Article/1342317/dod-announces-policy-changes-to-lawful-permanent-residents-and-the-military-acc/>.

³⁴ *Id.*

³⁵ *Samma v. U.S. Dep't of Defense*, 486 F. Supp. 3d 240, 263 (D.D.C. 2020).

³⁶ *Id.*

from 7,360 in fiscal year (FY) 2017 to 4,135 in FY 2018.³⁷ At the same time, the percentage of military naturalization applications denied by USCIS increased from 10.4 percent in FY 2017 to 15.4 percent in FY 2018.³⁸

MILITARY NATURALIZATION STATISTICS FY2012–2021³⁹

FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
8,693	8,758	9,239	7,710	8,770	7,110	4,680	4,360	4,570	8,800

Lastly, USCIS announced, effective September 30, 2019, that naturalization services for members of the military and their families stationed overseas will now be consolidated to four “hubs” located in overseas military bases, a result of the decision to close most of the USCIS international offices.⁴⁰ USCIS officers will travel to each hub for one week every three months to provide naturalization services to service members and their families, who will be required to make their own appointments and plan their travel arrangements.⁴¹ This created additional hurdles and challenges for noncitizen military members to naturalize.

Since President Biden directed the DHS as well as the State and Justice Departments to partner with the DOD to “facilitate naturalization for . . . members of the military” in February 2021, naturalizations have increased significantly when compared to the prior administration (see chart above). The U.S. Navy has restarted naturalizations at basic training, but the other service branches have yet to do so.⁴²

V. FILIPINO WORLD WAR II VETERANS PAROLE PROGRAM

In September 2021, USCIS reversed the Trump administration’s 2019 attempt to end the Filipino World War II Veterans Parole program.⁴³ The program, which went into effect in June 2016, allowed an estimated 2,000 to 6,000 U.S. citizen veterans from World War II to request parole for certain family members from the Philippines to allow them to enter the United States and reunite with their family members while they wait for their immigrant visas to become available.⁴⁴

³⁷ *Military Naturalization Statistics* (Dec. 6, 2018), <https://www.uscis.gov/military/military-naturalization-statistics>.

³⁸ *Naturalizations in the Military: A Recent Decline*, National Immigration Forum (July 11, 2019), <https://immigrationforum.org/article/naturalizations-in-the-military-a-recent-decline-2/>; *Military Naturalization Statistics* (Dec. 6, 2018), <https://www.uscis.gov/military/military-naturalization-statistics>.

³⁹ *Military Naturalization Statistics* (Dec. 6, 2018), <https://www.uscis.gov/military/military-naturalization-statistics>.

⁴⁰ USCIS previously provided military citizenship services at its 23 international offices in 20 different countries. *USCIS Announces New Locations for Onsite Overseas Military Naturalization Services* (Sept. 30, 2019), <https://www.uscis.gov/news-releases/uscis-announces-new-locations-on-site-overseas-military-naturalization-services>.

⁴¹ *Id.*

⁴² *Path to Citizenship Returns to RTC*, U.S. Navy (March 29, 2022), <https://www.navy.mil/Press-Office/News-Stories/Article/2982298/path-to-citizenship-returns-to-rtc/>.

⁴³ *Filipino World War II Veterans Parole Program*, U.S. Citizenship and Immigration Services (Sept. 29, 2021), <https://www.uscis.gov/humanitarian/humanitarian-parole/filipino-world-war-ii-veterans-parole-program>.

⁴⁴ *USCIS to Implement Filipino World War II Veterans Parole Program* (May 9, 2016), <https://www.uscis.gov/archive/archive-news/uscis-implement-filipino-world-war-ii-veterans-parole-program>.

VI. MILITARY PAROLE IN PLACE

Military parole in place is an immigration benefit available to foreign nationals who came into the United States without authorization, and who are the spouses, parents, and sons and daughters of U.S. military service members and veterans.⁴⁵ Started in 2007 under President George W. Bush, this program allows these foreign nationals to remain in the United States for a certain period of time (e.g., one-year increments), and is considered a lawful status for purposes of certain immigration benefits, such as adjustment of status. Military parole in place is granted on a case-by-case basis. Since 2013, USCIS has approved 39,780 applications for military parole in place.⁴⁶

The Trump administration considered terminating the military parole in place program. On September 12, 2019, USCIS indicated that, pursuant to Executive Order 13767, some categorical programs were terminated, and that it was “assessing the status of remaining [parole] programs—including [parole in place]” for possible termination.⁴⁷ Ultimately, the Trump administration did not eliminate military parole in place and continued to approve more than 20,000 applications from Fiscal Year 2017 to 2020.⁴⁸

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 7946: “Oversight of Immigrant Military Members and Veterans,” a hearing held on June 29, 2022, before the Subcommittee on Immigration and Citizenship. The Subcommittee heard testimony from:

- Jennifer McDonald, Senior Advisor to the Secretary for Health, U.S. Department of Veterans Affairs;
- Stephanie Miller, Director, Officer and Enlisted Personnel Management, U.S. Department of Defense; and
- Debra Rogers, Director, Immigrant Military Members and Veterans Initiative, U.S. Department of Homeland Security.

On February 2, 2021, President Biden directed the Department of Homeland Security (DHS) as well as the State and Justice Departments to partner with the Department of Defense (DoD) to “facilitate naturalization for . . . members of the military.” On July 2, 2021, DHS and the Department of Veterans Affairs (VA) announced an initiative to support noncitizen service members, veterans, and their family members. This hearing explored the progress that has been made on the President’s executive order and how this initiative is being implemented. The hearing also explored what legislation may be needed to codify or complement this initiative.

⁴⁵ *Discretionary Options for Military Members, Enlistees and Their Families*, Military, U.S. Citizenship and Immigration Services (Apr. 25, 2022), <https://www.uscis.gov/military/discretionary-options-for-military-members-enlistees-and-their-families>.

⁴⁶ Information on file with the House Committee on the Judiciary.

⁴⁷ Letter from Acting Director USCIS Ken Cuccinelli to Senator Tammy Duckworth (D-IL) (Sept. 12, 2019), https://www.uscis.gov/sites/default/files/files/nativedocuments/Parole_in_Place_PIP_program_-_Senator_Duckworth.pdf.

⁴⁸ Information on file with the House Committee on the Judiciary.

Committee Consideration

On July 27, 2022, the Committee met in open session and ordered the bill, H.R. 7946, favorably reported with an amendment in the nature of a substitute, by a rollcall vote of 23 to 16, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following rollcall votes occurred during the Committee's consideration of H.R. 7946:

1. An amendment by Mr. Biggs that would make an individual ineligible for a recommendation for an exercise of discretion by the Military Family Immigration Advisory Committee and would make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence unless any victims related to crimes committed by such individual agree that the individual should receive the exercise of discretion and the individual has satisfied all obligations of restitution, fines, fees, and any other obligations associated with the conviction was defeated by a rollcall vote of 15 to 16. The vote was as follows:

Roll Call No. 1

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 1 (AM) to HR 7746 offered by Rep. Biggs

☐ PASSED

☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)			
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)			
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)			
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)			
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)			
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	15	16	

2. An amendment by Mr. Biggs to add sections 212(a)(6)(C) and 101(a)(43)(N) of the Immigration and Nationality Act related to smuggling to the list of offenses that make noncitizen veterans ineligible for adjustment of status or admission for lawful permanent residence was defeated by a rollcall vote of 16 to 22. The vote was as follows:

Roll Call No. 2Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th CongressAmendment # 2 (AMJ) to H.R. 7946 offered by Rep. Biggs
☐ PASSED
☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)			
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	16	22	

3. An amendment by Mr. Biggs to add section 212(a)(10)(D) of the Immigration and Nationality Act related to unlawful voting to the list of offenses that make noncitizen veterans ineligible for adjustment of status or admission for lawful permanent residence was defeated by a rollcall vote of 15 to 20. The vote was as follows:

Roll Call No. 3

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 4 (AND) to H.R. 7946 offered by Rep. Biggs

☐ PASSED

☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)			
Karen Bass (CA-37)			
Hakeem Jeffries (NY-08)		✓	
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)			
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)			
Thomas Massie (KY-04)			
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	15	20	

4. An amendment by Mr. Johnson of Louisiana to strike section 7 of the bill related to the adjustment of status and admission for lawful permanent residence of certain noncitizen veterans was defeated by a rollcall vote of 18 to 19. The vote was as follows:

Roll Call No. 4Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 5 (AN) to HR 7946 offered by Rep. Johnson (LA)

☐ PASSED
☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)			
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)			
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)	✓		
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	18	19	

5. An amendment by Mr. Fitzgerald that would make an individual ineligible for a recommendation of an exercise of discretion by the Military Family Immigration Advisory Committee if the individual is inadmissible under section 212(a)(2)(A)(i)(II) or deportable under 237(a)(2)(B)(i) of the Immigration and Nationality Act for a violation of any law or regulation relating to a controlled substance and would also make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence if such individual had a conviction under section 101(a)(43)(B) of the Immigration and Nationality Act related to illicit trafficking in controlled substances was defeated by a rollcall vote of 19 to 21. The vote was as follows:

Roll Call No. 5

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 6 (AM) to H.R. 7946 offered by Rep. Fitzgerald

☐ PASSED

☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)		✓	
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)			
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)	✓		
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)	✓		
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)	✓		
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	19	21	

6. An amendment by Mr. Tiffany that would make an individual ineligible for a recommendation for an exercise of discretion by the Military Family Immigration Advisory Committee and would make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence if such individual was convicted of a crime of domestic violence, as defined in 237(a)(2)(C)(i) of the Immigration and Nationality Act was defeated by a rollcall vote of 15 to 18. The vote was as follows:

Roll Call No. 6

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 7 (ANJ) to HR 7946 offered by Rep. Tiffany

☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)			
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)			
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)			
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	15	18	

7. An amendment by Mr. Buck that would make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence if such individual was convicted of a crime under section 101(a)(43)(S) of the Immigration and Nationality Act related to perjury, obstruction of justice, or bribery of a witness was defeated by a rollcall vote of 15 to 20. The vote was as follows:

Roll Call No. 7

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 9 (AMJ) to HR 7946 offered by Rep. Buck

☐ PASSED

☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)		✓	
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)			
Mike Johnson (LA-04)			
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)			
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)	✓		
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	15	20	

8. An amendment by Mr. Fitzgerald that would make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence if such individual had a conviction under section 101(a)(43)(C) of the Immigration and Nationality Act related to illicit trafficking in firearms or destructive devices was defeated by a rollcall vote of 14 to 19. The vote was as follows:

Roll Call No. 8

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives
117th Congress

Amendment # 10 (AM) to HR 7946 offered by Rep. Fitzgerald

☐ PASSED
☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)			
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)			
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)			
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	14	19	

9. An amendment by Mr. Owens that would make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence if such individual is inadmissible under section 212(a)(10)(C) of the Immigration and Nationality Act related to international child abduction was defeated by a rollcall vote of 13 to 18. The vote was as follows:

Roll Call No. 9

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 11 (Amended) to HR 7946 offered by Rep. Owens

☐ PASSED

☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)			
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)			
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)			
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)			
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)			
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	13	18	

10. An amendment by Mr. Johnson of Louisiana that would make an individual ineligible for a recommendation for an exercise of discretion by the Military Family Immigration Advisory Committee and would make a noncitizen veteran ineligible for adjustment of status or admission for lawful permanent residence if such individual was convicted of two offenses for driving while intoxicated was defeated by a rollcall vote of 14 to 18. The vote was as follows:

Roll Call No. 10

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 12 (Am) to H.R. 7976 offered by Rep. Johnson (LA)

☐ PASSED

☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)			
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)			
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)			
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)	✓		
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)			
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)			
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)			
Chip Roy (TX-21)			
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	14	18	

11. An amendment by Mr. Issa that would amend the definition of veteran to mean an individual who has served in the U.S. Armed Forces and was honorably discharged was defeated by a rollcall vote of 16 to 20. The vote was as follows:

Roll Call No. 11

Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th Congress

Amendment # 14 (AMJ) to HR 7946 offered by Rep. Issa

☐ PASSED☒ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)		✓	
Zoe Lofgren (CA-19)		✓	
Sheila Jackson Lee (TX-18)		✓	
Steve Cohen (TN-09)			
Hank Johnson (GA-04)		✓	
Ted Deutch (FL-22)		✓	
Karen Bass (CA-37)		✓	
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)		✓	
Eric Swalwell (CA-15)		✓	
Ted Lieu (CA-33)			
Jamie Raskin (MD-08)		✓	
Pramila Jayapal (WA-07)		✓	
Val Demings (FL-10)		✓	
Lou Correa (CA-46)		✓	
Mary Gay Scanlon (PA-05)		✓	
Sylvia Garcia (TX-29)		✓	
Joseph Neguse (CO-02)		✓	
Lucy McBath (GA-06)		✓	
Greg Stanton (AZ-09)		✓	
Madeleine Dean (PA-04)		✓	
Veronica Escobar (TX-16)		✓	
Mondaire Jones (NY-17)			
Deborah Ross (NC-02)		✓	
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)	✓		
Steve Chabot (OH-01)	✓		
Louie Gohmert (TX-01)			
Darrell Issa (CA-50)	✓		
Ken Buck (CO-04)	✓		
Matt Gaetz (FL-01)	✓		
Mike Johnson (LA-04)	✓		
Andy Biggs (AZ-05)	✓		
Tom McClintock (CA-04)	✓		
Greg Steube (FL-17)			
Tom Tiffany (WI-07)	✓		
Thomas Massie (KY-04)	✓		
Chip Roy (TX-21)	✓		
Dan Bishop (NC-09)	✓		
Michelle Fischbach (MN-07)	✓		
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)	✓		
Cliff Bentz (OR-02)	✓		
Burgess Owens (UT-04)	✓		
	AYES	NOS	PRES.
TOTAL	16	20	

12. A motion to report H.R. 7946, as amended, was agreed to by a roll call vote of 23 to 16. The vote was as follows:

Roll Call No. 12Date: 7/27/22

COMMITTEE ON THE JUDICIARY

House of Representatives

117th CongressFinal Passage on: HR 7946
☒ PASSED
☐ FAILED

	AYES	NOS	PRES.
Jerrold Nadler (NY-10)	✓		
Zoe Lofgren (CA-19)	✓		
Sheila Jackson Lee (TX-18)	✓		
Steve Cohen (TN-09)	✓		
Hank Johnson (GA-04)	✓		
Ted Deutch (FL-22)	✓		
Karen Bass (CA-37)	✓		
Hakeem Jeffries (NY-08)			
David Cicilline (RI-01)	✓		
Eric Swalwell (CA-15)	✓		
Ted Lieu (CA-33)	✓		
Jamie Raskin (MD-08)	✓		
Pramila Jayapal (WA-07)	✓		
Val Demings (FL-10)	✓		
Lou Correa (CA-46)	✓		
Mary Gay Scanlon (PA-05)	✓		
Sylvia Garcia (TX-29)	✓		
Joseph Neguse (CO-02)	✓		
Lucy McBath (GA-06)	✓		
Greg Stanton (AZ-09)	✓		
Madeleine Dean (PA-04)	✓		
Veronica Escobar (TX-16)	✓		
Mondaire Jones (NY-17)	✓		
Deborah Ross (NC-02)	✓		
Cori Bush (MO-01)			
	AYES	NOS	PRES.
Jim Jordan (OH-04)		✓	
Steve Chabot (OH-01)		✓	
Louie Gohmert (TX-01)			
Darrell Issa (CA-50)		✓	
Ken Buck (CO-04)		✓	
Matt Gaetz (FL-01)		✓	
Mike Johnson (LA-04)		✓	
Andy Biggs (AZ-05)		✓	
Tom McClintock (CA-04)		✓	
Greg Steube (FL-17)			
Tom Tiffany (WI-07)		✓	
Thomas Massie (KY-04)		✓	
Chip Roy (TX-21)		✓	
Dan Bishop (NC-09)		✓	
Michelle Fischbach (MN-07)		✓	
Victoria Spartz (IN-05)			
Scott Fitzgerald (WI-05)		✓	
Cliff Bentz (OR-02)		✓	
Burgess Owens (UT-04)		✓	
	AYES	NOS	PRES.
TOTAL	23	16	

Committee Oversight Findings

In compliance with clause 3C(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House rule X, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3C(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause (3)(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

Duplication of Federal Programs

Pursuant to clause 3C(5) of House rule XIII, no provision of H.R. 7946 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 7946 would (1) direct the Department of Homeland Security (DHS) and the Department of Defense (DOD) to implement a program that allows non-citizen service members to file for naturalization during basic training, or as early as otherwise possible; (2) establish a Military Family Immigration Advisory Committee to review and provide recommendations on the cases of non-citizen veterans, active service members, and their families who are in removal proceedings; (3) provide an opportunity for noncitizen veterans who have been removed or ordered removed and who have not been convicted of serious crimes, to apply for legal permanent resident status; and (4) allow adjustment of status for certain individuals who are the immediate relatives of U.S. citizens who served or are currently serving in the U.S. Armed Forces for a minimum of two years.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 7946 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. This section states the title of the bill as the “Veteran Service Recognition Act of 2022.”

Sec. 2. Study and report on noncitizen veterans removed from the United States

Section 2(a) directs DOD, DHS, and VA to conduct a joint study, no later than one year after enactment, on all noncitizen veterans and noncitizen former members of the Armed Forces who have been removed from the United States since January 1, 1990.

Section 2(b) requires that DOD, DHS, and VA jointly submit a report to Congress on the results of the study, no later than 90 days after the study is completed.

Sec 3. Information system on veterans subject to removal

Section (3)(a) directs DHS to create a protocol for identifying noncitizens who are or may be veterans, as well as a system for maintaining information about any noncitizen veterans that are identified pursuant to the protocol. It also requires that DHS create the protocol and system no later than 180 days after enactment.

Section 3(b) requires that the information system for noncitizen veterans be shared across all components of DHS.

Section 3(c) ensures that any information available under the information system for noncitizen veterans is taken into consideration during removal proceedings and in any adjudication of immigration status.

Section 3(d) prevents DHS from initiating removal proceedings against an individual until DHS uses the information system for noncitizen veterans to determine whether the individual is a noncitizen veteran. If DHS determines that the individual is or may be a veteran, DHS must notify the Military Family Immigration Advisory Committee concurrently upon initiating removal proceedings.

Section 3(e) requires that ICE personnel participate annually in a training program on the protocol for identifying noncitizens who are or may be veterans.

Sec. 4. Military Family Immigration Advisory Committee

Sections 4(a)–(c) direct DHS to establish the “Military Family Immigration Advisory Committee” (Advisory Committee), which shall be tasked with providing recommendations to DHS on whether the circumstances of a noncitizen serving in the armed forces, a noncitizen veteran, or their noncitizen spouse/child(ren) who are potentially removable—

(1) warrant an exercise of prosecutorial discretion, such as termination of proceedings, parole, deferred action, stay of removal, administrative closure, or authorization to apply for any other form of relief; or

(2) indicate that removal proceedings should continue or be initiated.

Individuals shall be ineligible for an exercise of prosecutorial discretion if they were convicted of five offenses for driving while intoxicated unless the conviction is older than 25 years.

Section 4(c) details the specific factors which the Advisory Committee must consider when issuing a recommendation and the frequency at which it must convene.

Section 4(d) directs DOD to provide detailed briefings to the Advisory Committee regarding the service of noncitizen veterans whose cases are being considered by the Advisory Committee.

Section 4(e) requires DHS to issue quarterly reports to the Advisory Committee regarding the actions taken in response to the Advisory Committee's recommendations.

Section 4(f) ensures that DOD and DHS provide the Advisory Committee with copies of any available records for individuals whose cases are under consideration by the Advisory Committee.

Section 4(g) prohibits the removal of a noncitizen serving in the armed forces, a noncitizen veteran, or their noncitizen spouse/child(ren) until the Advisory Committee has provided recommendations with respect to that individual to the Secretary of Homeland Security.

Section 4(h) prohibits an individual convicted for an offense under subparagraph (A) of section 101(a)(43) (a conviction for murder, rape, sexual abuse of a minor) from eligibility for a case review by the Advisory Committee.

Sec. 5. Program of citizenship through military service

Section 5(a) directs DHS and DOD to jointly implement a program to ensure that noncitizen members of the armed forces who serve during a period of presidentially designated military hostilities can file applications for naturalization on or after the first day of active duty or first day of Selected Reserve service (e.g., during basic training). It ensures that the form required for certifying military service is issued no later than 30 days after request by noncitizen service members.

Sections 5(b)–(c) mandate certain Judge Advocate General's Corp (JAG) and recruiter training on the naturalization process for noncitizen service members and detail the type of training required.

Section 5(d) requires each military department to submit annual reports to Congress on the number of noncitizens who were enlisted or appointed, naturalized, discharged, or released without citizenship.

Section 5(e) establishes that noncitizens who serve honorably in the Armed Forces in support of contingency operations (e.g., Panama in 1989, Somalia in 1992) are eligible for naturalization as if they served during a period of presidentially designated military hostilities.

Section 5(f) extends the period for filing a naturalization application from six months to one year after completing eligible military service for noncitizen military veterans who served during a period that was not designated by the president as a period of military hostilities.

Sec. 6. Information for military recruits regarding naturalization through service in the Armed Forces

This section directs DOD to coordinate with DHS to ensure that there is stationed or employed at each Military Entrance Processing Station either:

- (1) an employee of U.S. Citizenship and Immigration Services (USCIS); or
- (2) a member of the armed forces or DOD who is trained in immigration law and can inform each noncitizen military recruit about the naturalization process.

Sec.7. Return of eligible veterans removed from the United States; adjustment of status

Section 7(a) provides the Secretary of Homeland Security with the authority to adjust the status of or admit a noncitizen who has been issued a final order of removal as a lawful permanent resident if the Secretary determines that such noncitizen is a veteran and is admissible, consistent with section (b).

Section 7(b)(1) allows the Secretary of Homeland Security, if the Secretary determines that it is in the public interest (defined below), to waive any ground of inadmissibility under section 212(a) of the Immigration and Nationality Act (INA), except for:

(1) inadmissibility based on sections 212(a)(2)(H) or 212(a)(3) (this includes a conviction for trafficking in persons or human smuggling (non-family members), and terrorism); or

(2) a finding of inadmissibility under section 212(a)(2) based on a conviction of aggravated felony described in subparagraph (A), (I), or (K) of section 101(a)(43) (this includes a conviction for murder, rape, sexual abuse of a minor, child pornography, slavery, involuntary servitude, and treason) or five offenses for driving while intoxicated unless the conviction is older than 25 years.

Section 7(b)(2) directs the Secretary of Homeland Security to consider specific factors when determining whether a waiver is in the public interest including the noncitizen's service in the armed forces and the recency and severity of any offenses.

Section 7(c) directs the Secretary of Homeland Security to establish procedures to allow eligible noncitizens to seek admission as a lawful permanent resident or adjust their status to that of a lawful permanent resident.

Section 7(d) exempts individuals who are granted lawful permanent resident status under this subsection from the annual worldwide numerical limits and per country caps.

Section 7(e) establishes that if a noncitizen veteran's status is adjusted or the noncitizen veteran is admitted as a lawful permanent resident under this section, then that adjustment or admission creates a presumption that the noncitizen veteran has established good moral character under paragraphs 1 through 8 of section 101(f) of the INA.

Section 7(f) requires that a noncitizen who appears to be prima facie eligible for lawful permanent resident status under this section be given a reasonable opportunity to apply for such status (even if the noncitizen has been ordered removed or permitted to depart voluntarily). It prohibits the removal of the noncitizen from the United States until a final administrative decision establishing ineligibility is rendered.

Section 8. Adjustment of status for certain immediate relatives of United States citizen service members or veterans

This section waives certain inadmissibility grounds and allows adjustment of status for aliens who are the beneficiaries of an immigrant petition as an immediate relative of a U.S. citizen who served or is currently serving in the U.S. Armed Forces for a minimum of two years.

Sec. 9. Definitions

This section defines all necessary terms throughout the bill.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

IMMIGRATION AND NATIONALITY ACT

* * * * *

TITLE III—NATIONALITY AND NATURALIZATION

* * * * *

CHAPTER 2—NATIONALITY THROUGH NATURALIZATION

* * * * *

NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES

SEC. 328. (a) A person who has served honorably at any time in the Armed Forces of the United States for a period or periods aggregating one year, and who, if separated from such service, was never separated except under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's application, in the United States for at least five years, and in the State or district of the Service in the United States in which the application for naturalization is filed for at least three months, and without having been physically present in the United States for any specified period, if such application is filed while the applicant is still in the service or within [six months] *one year* after the termination of such service.

(b) A person filing a application under subsection (a) of this section shall comply in all other respects with the requirements of this title, except that—

(1) no residence within a State or district of the Service in the United States shall be required;

(2) notwithstanding section 318 insofar as it relates to deportability, such applicant may be naturalized immediately if the applicant be then actually in the Armed Forces of the United States, and if prior to the filing of the application, the applicant shall have appeared before and been examined by a representative of the Service;

(3) the applicant shall furnish to the Secretary of Homeland Security, prior to any final hearing upon his application, a certified statement from the proper executive department for each period of his service upon which he relies for the benefits of this section, clearly showing that such service was honorable and that no discharges from service, including periods of service not relied upon by him for the benefits of this section, were

other than honorable (the certificate or certificates herein provided for shall be conclusive evidence of such service and discharge); and

(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing the application, or for the issuance of a certificate of naturalization upon being granted citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.

(c) In the case such applicant's service was not continuous, the applicant's residence in the United States and State or district of the Service in the United States, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing such application between the periods of applicant's service in the Armed Forces, shall be alleged in the application filed under the provisions of subsection (a) of this section, and proved at any hearing thereon. Such allegation and proof shall also be made as to any period between the termination of applicant's service and the filing of the application for naturalization.

(d) The applicant shall comply with the requirements of section 316(a) of this title, if the termination of such service has been more than ~~【six months】~~ *one year* preceding the date of filing the application for naturalization, except that such service within five years immediately preceding the date of filing such application shall be considered as residence and physical presence within the United States.

(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such service, shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of compliance with the provisions of section 316(a).

(f) Citizenship granted pursuant to this section may be revoked in accordance with section 340 if the person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years. Such ground for revocation shall be in addition to any other provided by law, including the grounds described in section 340. The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation. Any period or periods of service shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service.

* * * * *

JERROLD NADLER, New York
CHAIRMAN

Committee Correspondence

JIM JORDAN, Ohio
RANKING MEMBER

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

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September 14, 2022

The Honorable Mark Takano
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515

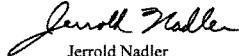
Dear Chairman Takano:

I am writing to you concerning H.R. 7946, the "Veteran Service Recognition Act of 2022."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Veterans' Affairs. I acknowledge that your Committee will not formally consider H.R. 7946 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 7946 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Jerrold Nadler
Chairman

cc: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary
The Honorable Jason Smith, Parliamentarian
The Honorable Mike Bost, Ranking Member, Committee on Veterans' Affairs

JERROLD NADLER, New York
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JIM JORDAN, Ohio
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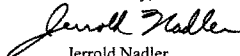
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Minority Views

Democrats on the House Judiciary Committee continue to ignore the unprecedented crisis on our southwest border. Since President Biden took office, U.S. Customs and Border Protection (CBP) officials have encountered nearly 3.5 million illegal aliens along the southwest border.¹ Nearly one million of those aliens have been released into the U.S. by the Department of Homeland Security (DHS) pursuant to DHS policy.² At the same time, nearly a million illegal alien “gotaways” have successfully crossed the border undetected during the Biden-Harris Administration.³ Press reports also indicate that “nearly 750 migrants have died at the southern border this fiscal year.”⁴ This record number is over 200 more than the number for last fiscal year.⁵ Rather than work to address the Biden border crisis, Democrats on the Committee are focused on legislation like H.R. 7946, the Veteran Service Recognition Act of 2022, which does nothing to fix the root causes of President Biden’s immigration crisis.

Democrats have a persistent legislative strategy of targeting sympathetic populations to slowly erode the fair and evenhanded enforcement of U.S. immigration laws. H.R. 7946, the Veteran Service Recognition Act, continues this effort by focusing on military service members, veterans, and their families. This bill is bad policy and will exacerbate the existing Biden border crisis.

In general, only U.S. citizens and aliens who are lawful permanent residents (LPRs) may be enlisted in the armed forces.⁶ However, the Secretary of Defense is authorized to enlist aliens who are *not* LPRs if such aliens are “vital to the national interest.”⁷ In each of the last two years, the Department of Defense (DOD) has enlisted over 10,000 LPRs into the U.S. military.⁸ According to DOD, just over 31,000 foreign nationals currently serve in the active duty and reserve U.S. military forces.⁹ In 2019, the Migration Policy Institute estimated that “the number of veterans who were born outside the United States” was about 530,000.¹⁰

There is no need for H.R. 7946 because existing immigration law provides special treatment for aliens who have served in the armed forces. The Immigration and Nationality Act (INA) established special avenues to naturalize for members or veterans of the U.S. military.¹¹ These existing special avenues are operating as intended. In fact, since its creation in 2002, U.S. Citizenship and Immigration

¹U.S. Customs and Border Protection, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

²*Texas v. Biden*, Case No: 2:21-cv-00067-Z (N.D. Texas) (Brief For America First Legal Foundation As Amicus Curiae In Support of Respondents, Defendants’ Monthly Report For March 2022, Defendants’ Monthly Report For April 2022).

³Adam Shaw, Bill Melugin, *Migrant Encounters at Southern Border Hit New Record in May, as Numbers Keep Rising*, FoxNews (Jun. 16, 2022) <https://www.foxnews.com/politics/migrant-encounters-southern-border-record-may>.

⁴Priscilla Alvarez, *First on CNN: A Record Number of Migrants Have Died Crossing the US-Mexico Border*, CNN (Sept. 7, 2022) <https://www.cnn.com/2022/09/07/politics/us-mexico-border-crossing-deaths/index.html>.

⁵*Id.*

⁶10 U.S.C. § 504(b)(1).

⁷10 U.S.C. § 504(b)(2).

⁸Committee Staff Briefing by U.S. Dep’t. of Defense (May 13, 2022).

⁹*Id.*

¹⁰Jie Zong and Jeanne Batalova, *Immigrant Veterans in the United States*, Migration Policy Institute (May 16, 2019) <https://www.migrationpolicy.org/article/immigrant-veterans-united-states-2018>.

¹¹INA §§ 328, 329.

Services (USCIS) has naturalized “more than 148,000 members of the U.S. military” from “more than 30 countries.”¹² During the last five fiscal years, USCIS naturalized nearly 30,000 service members.¹³

In addition, under existing law, members of the armed forces may naturalize faster than any other noncitizen. Typically, to file an application to naturalize, most LPRs—or green card holders—must have resided in the United States with LPR status for at least five years, among other requirements.¹⁴ However, members of the military may naturalize on an expedited timeline. In peacetime, individuals who serve honorably in the armed forces for a period of at least one year or within six months of an honorable discharge may be naturalized without meeting the five-year LPR requirement.¹⁵ During periods of hostility as declared by executive order—which includes the period of September 11, 2001 to the present—the time requirement is even more relaxed. In fact, an alien member of the armed forces may be naturalized without being required to satisfy any period of residence or physical presence within the United States.¹⁶

Like other noncitizens, noncitizen military service members and veterans are subject to removal upon commission of a removable offense as specified in the INA. The total number of deported veterans is unknown; however, advocacy groups estimate the number to be potentially around 300.¹⁷ Prior to an alien veteran’s removal, the alien veteran is afforded due process through immigration removal proceedings and received a final order of removal issued by an immigration judge. Further, special immigration programs and processes already exist for noncitizen service members and veterans. For example, DHS created a board to review cases of deported veterans and a parole program for deported veterans.¹⁸

There are also existing special administrative processes that exist for alien veterans. Prior to the initiation of an enforcement action (arrest, removal, etc.) against aliens who serve or have served in the U.S. military, ICE must follow a specialized procedure.¹⁹ First, ICE personnel are required to screen aliens about military service and report instances of such service to supervisors.²⁰ The personnel then must make a written recommendation to their senior ICE official as to whether or not to take the enforcement action against the alien.²¹

Senior ICE officials are responsible for making the decision as to whether to take an enforcement action against alien veterans, alien service members, or aliens with immediate family members who have served in the U.S. military.²² For alien veterans, ICE officers

¹² U.S. Citizenship and Immigration Services, Military Naturalization Statistics, <https://www.uscis.gov/military/military-naturalization-statistics>.

¹³ *Id.*

¹⁴ INA § 316(a)(1).

¹⁵ INA § 328(a).

¹⁶ INA § 329(b)(2).

¹⁷ Committee Staff Briefing by U.S. Dep’t. of Homeland Security (May 9, 2022).

¹⁸ U.S. Dep’t. of Homeland Security, ImmVets: Services for Current and Former Immigrant Military Members and Their Families, <https://www.dhs.gov/immvets>.

¹⁹ U.S. Immigration and Customs Enforcement, ICE Directive 10039.2: Consideration of U.S. Military Service When Making Discretionary Determinations With Regard to Enforcement Actions Against Noncitizens (May 23, 2022).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

must “carefully analyze the totality of facts and circumstances of the case” and the alien’s military service is “a significant mitigating factor that weighs against taking enforcement action.”²³ For alien service members, enforcement actions “generally will not be taken . . . absent significant aggravating factors being present in the case” and if the enforcement action is regarding removal, ICE Headquarters officials must approve the action in advance.²⁴ For aliens who have immediate family members who serve or have served in the U.S. military, the family member’s service “is a mitigating factor that must be considered.”²⁵

H.R. 7946 unnecessarily expands on the already robust processes afforded to noncitizen service members. First, by establishing a bureaucratic advisory committee, the bill will make it nearly impossible under the Biden-Harris Administration to remove an alien who has committed a removable offense if the alien is serving, has served, or is related to a person who has served in the military. The advisory committee would be filled with members appointed by DHS Secretary Mayorkas, to have input into whether an alien who serves or has served in the U.S. military, or their alien spouse or child, should be removed from the country pursuant to immigration law. The bill requires the DHS Secretary to report back to the advisory committee any time the advisory committee’s recommendations are not followed. By putting decision-making authority in the hands of a partisan advisory committee, this bill undermines the independent role of immigration judges who are responsible for determining whether an alien should be removed pursuant to the INA.

H.R. 7946 also authorizes the DHS Secretary to issue a green card (*i.e.*, a path to citizenship) to alien veterans who have committed removable offenses, had due process in immigration court, and were ordered removed by an immigration judge. Under this bill, DHS Secretary Mayorkas would have the authority to prevent the removal of an alien who served in the military decades ago, but who would otherwise be removable based on convictions for serious crimes such as DUI or trafficking in firearms or explosive devices. The bill also makes a sweeping change to U.S. immigration laws to require that if an alien is issued a green card, the alien automatically satisfies the good moral character requirement for U.S. citizenship.

DEMOCRATS REJECTED REPUBLICAN AMENDMENTS

During the Committee’s consideration of H.R. 7946, the Democrats rejected the several amendments offered by Republicans. These amendments would have limited the unfettered discretionary authority in this bill and prevent the Biden-Harris Administration from granting a path to citizenship for violent and dangerous criminals.

- An amendment by Rep. Andy Biggs to require that for the Advisory Committee to recommend an exercise of discretion regarding the removal of an alien, or for the DHS Secretary to

²³ *Id.*

²⁴ *Id.*

²⁵ U.S. Immigration and Customs Enforcement, ICE Directive 10039.2: Consideration of U.S. Military Service When Making Discretionary Determinations With Regard to Enforcement Actions Against Noncitizens (May 23, 2022).

issue a green card to the alien, if the removal or inadmissibility ground was based on a crime in which there was a victim, the victim must be consulted and agree to the exercise of discretion, and that the alien must have satisfied all fines, fees, and restitution.

- An amendment by Rep. Andy Biggs to preclude the DHS Secretary from waiving a conviction for human smuggling or an aggravated felony of human smuggling for purposes of an alien being issued a green card.
- An amendment by Rep. Andy Biggs to preclude the DHS Secretary from waiving the unlawful voting ground of inadmissibility for purposes of an alien being issued a green card.
- An amendment by Rep. Mike Johnson to strike from the bill the authority for the DHS Secretary to waive grounds of inadmissibility and removability to issue green cards to aliens.
- An amendment by Rep. Scott Fitzgerald to preclude the Advisory Committee from recommending an exercise of discretion from removal for an alien who has a conviction for drug trafficking, and to preclude the DHS Secretary from waiving the aggravated felony of illicit trafficking in a controlled substance for purposes of an alien being issued a green card.
- An amendment by Rep. Tom Tiffany to preclude the Advisory Committee from recommending an exercise of discretion from removal, or the DHS Secretary from issuing a green card, to an alien who has a conviction for domestic violence.
- An amendment by Rep. Ken Buck to preclude the DHS Secretary from waiving an aggravated felony of obstruction of justice, perjury or subordination of perjury, or bribery of a witness, for purposes of an alien being issued a green card.
- An amendment by Rep. Scott Fitzgerald to preclude the DHS Secretary from waiving the aggravated felony of illicit trafficking in firearms or destructive devices, or in explosives, for purposes of an alien being issued a green card.
- An amendment by Rep. Burgess Owens to preclude the DHS Secretary from waiving a conviction for international child abduction for purposes of an alien being issued a green card.
- An amendment by Rep. Mike Johnson to preclude the Advisory Committee from recommending an exercise of discretion from removal, or to preclude the DHS Secretary from issuing a green card, to an alien who has two DUI convictions.
- An amendment by Rep. Darrel Issa to ensure that a “veteran” considered for a benefit under this bill is one who has been honorable discharged from the U.S. Armed Forces.

CONCLUSION

President Biden’s radical immigration policies have caused an unprecedented humanitarian and security crisis at our southwest border. H.R. 7946 does absolutely nothing to fix the Biden border crisis. Instead, it rewards aliens who have previously violated U.S. criminal and immigration laws and in many cases been ordered de-

ported, with the ability to remain in or reenter the United States,
and in some cases rewards them with a green card.

JIM JORDAN,
Ranking Member.

